

**DRAFT Minutes of the RPA Committee Meeting,
April 9, 2001**

Members Present:

*Larry Cotter (chair)
Dave Benson
Shane Capron
Doug DeMaster
John Gauvin
Terry Leitzell*

*Alan Parks
Jack Tagart
John Winther
Sue Hills
Wayne Donaldson
Gerald Leape*

*Jerry Bongen
John Iani
Matt Moir
Dave Cline
Steve Drage
Tony DeGange*

Staff present: *Dave Witherell (coordinator), Mike Payne (NMFS), Sue Salvesson (NMFS).*

Meeting - The committee convened a special meeting on Monday morning, April 9, at 8:00 a.m. in Anchorage at the Hilton Hotel. Teleconferencing was available for those members who were unable to attend in person. The purpose of the meeting was to address the confusion regarding fishing inside the Sea Lion Conservation Area (SCA) in the Bering Sea during the later half of 2001 and clearly identify the committee's perspective on this issue. No other issues were addressed, and no public testimony was taken.

The meeting opened with Larry Cotter explaining the purpose of the meeting and providing some background. When the minutes from the March 26-29 meeting were distributed, some people contested that the minutes did not reflect what was agreed upon for Areas 7 and 8. So this meeting was set to clear the air on this issue. The Chairman asked that fishing community provide rationale for their proposal, and for Shane to clarify his concerns regarding pollock harvests in the SCA. One clarification (uncontested) from the previous minutes was that pot vessels (any size) would be allowed within 3-10 nm in area 8.

Fishing Community Proposal and Rationale - The fishing community had proposed the following for the Bering Sea (areas 7, 8 and 9):

1. Closures for trawling for cod and pollock around all rookeries and important haulouts as follows:
 - Northern haulouts - 20 nm closures
 - Pribilof haulouts - open outside 3 nm (they fail to meet minimum SSL count criteria)
 - Pribilof rookery: 10 nm closure
 - All remaining rookeries and haulouts : 10 nm closures.

[This is also the committee recommendation.]
2. No catch restrictions in the SCA foraging area outside the 10-mile closures except for existing exclusion from CVOA of offshore catcher-processors during C/D seasons. *[Subject of this meeting.]*
3. Drop C-D season split and have a single season. *[Also subject of this meeting]* Pollock and trawl cod can begin June 11, but cod longline and pot fishery should be delayed until September 1 *[changed by committee to August 15 for longline]*.
4. Allow pot cod boats to fish outside three miles in the 3-10 area since they have only 4% of the TAC remaining for 2001, about 7000 tons. *[Committee clarified that this was for area 8 only]*
5. The Bogoslof area would remain closed to directed pollock fishing. *[Committee recommended also closing area 9 to mackerel and cod.]*

The rationale for this proposal was provided by Terry Leitzell and others. A list, based on committee discussion, is provided below:

1. Sea Lion Population Growth. Non-pup counts of steller sea lions in the areas of the Bering Sea where the pollock and cod fisheries occur are increasing significantly. The sea lions in Area 7 near Unimak Island and to the east, including the rookery on Amak Island, are increasing at a 3% annual rate. The sea lions in Area 8 (Dutch Harbor and the northern Bering Sea) are increasing at a 7% annual rate, the fastest increase of any group within the western population. In contrast, non-pup counts of sea lions in Area 9, the Bogoslof area where the pollock fishery has been closed for a decade, is decreasing at a -4% annual rate.
2. Sea Lion Prey. The scat analysis presented to the Committee by Beth Sinclair of the National Marine Fisheries Service indicates that sea lions are not as dependent on pollock and cod in the summer and early fall as previously indicated. Primary prey for sea lions on Amak Island is highly varied and dependent on spawning aggregations, with the top three prey species in the summer being herring, pollock, and sand lance. The Amak Island scats produced a dozen fish species that occurred in more than 10% of the scats, which Ms. Sinclair said was a significant percentage. For the rookeries and haulouts in Area 8 (Unimak and west to Dutch Harbor), the top summer prey were salmon, pollock, herring and some Atka mackerel. Although pollock is one of the primary prey species in Areas 7 and 8, the sea lions in these areas eat many different species, particularly in the summer. Cod is insignificant as a summer prey item, presumably since the cod are not spawning and are dispersed.
3. Sea Lion Foraging Distance. NMFS and ADF&G telemetry data presented to the Committee by Bob Small of ADF&G showed that the great majority of at-sea locations for the lactating females, juveniles, and pups that were tagged were very close to shore, with 60-75% within 2 miles of the shore and 85-92% inside 10 miles from the shore. Although the data cannot specify whether the animals were foraging, the extremely high percentage of "hits" so close to shore must include foraging trips. Both Bob Small and Doug DeMaster stated that the telemetry data are much more reliable than the platform of opportunity data for determining habitat use (since POP data also only shows location and not whether the animals were foraging). Finally, since the primary focus of NMFS protection effort is on the pups, juveniles, and females, the foraging data is significant since few if any adult males have been tagged.
4. Summer-Fall Cod Fishery. The cod fishery by all gear groups is significantly dispersed in the summer and fall because of the dispersion of the cod. In 1995-1999, when there were no CH restrictions on cod, longline catch occurred in significant amounts northwest of the Pribilofs and north of the SCA. Trawl cod fishing occurred both inside and outside the SCA, but the summer trawl fishery is small because of the low CPUE.
5. CVOA Exclusion. Current inshore-offshore regulations prohibit pollock fishing inside the CVOA by the catcher/processor sector which has 40% of the pollock TAC.
6. Reduction of the Inshore Pollock Trawl Fleet. The American Fisheries Act authorized the Bering Sea pollock trawlers to organize into cooperatives and to decapitalization. The result is a 24% reduction in the number of boats in the inshore pollock fleet. Consequently, the amount of fishing effort on pollock at any one time has been dramatically reduced in the last two years. (Anchorage Daily News 4/2/2001).
7. Vessel Safety. Although summer weather in the Bering Sea is certainly less threatening than winter weather, smaller boats are at risk when they must travel far from land and far from processing facilities. The SCA boundaries require boats to travel more than 60 miles offshore and even further from their plants. (Magnuson Stevens Act National Standard No. 10).

8. Product Quality and Cost. Pollock quality varies considerably by location and an exclusion from the SCA often results in poor quality, both because of fishing location and because of long trips back to plants. In addition, costs increase significantly, particularly with the current high cost of fuel. The Magnuson Stevens Act requires that efficiency and cost minimization be goals. (National Standard Nos. 5 and 7).

9. Salmon Bycatch. The Council has put serious pressure on the pollock trawl fleet to reduce chum salmon bycatch because of the problems with returns in Western Alaska. The AFA cooperatives have established a salmon savings plan which will be presented to the Council at the April meeting. If pollock trawling is largely excluded from the SCA, salmon bycatch will be higher than if the fleet has more flexibility to move away from hot spots. (Magnuson Stevens Act National Standard No. 9).

10. Pribilof Haulouts. No sea lions have been counted on the Pribilof haulouts since at least 1961. In addition, a significant portion of the waters near the haulouts are closed to trawling by other measures.

11. Bogoslof. The Bogoslof area has been closed to directed pollock fishing for several years pursuant to an international agreement (Convention on the Central Bering Sea--"donut-hole agreement").

12. Limited Period. The recommendation of the committee is only for the second half of 2001.

13. Scientific Disagreement. Extended foraging areas were originally established in 1993 based on platform of opportunity data (POP data), on the theory that indirect competition could exist with the fisheries. Yet, with sea lion populations currently at a low level, and pollock populations at a near record, there are 8 to 15 times more pollock available per sea lion today. Telemetry information suggests that sea lions spend very little amount of time beyond 10 nm during this time of the year.

NMFS Concerns and CH Limits

Shane clarified his concerns about allowing pollock catch by catcher vessels in the SCA. The issue of critical habitat catch limits dates back to 1998. It has been a cornerstone of mitigation measures for the fishery to avoid jeopardy. He noted that an increase in the harvest rate of pollock in the CHCVOA since 1995, with harvest rates in the second half of the year reaching 40% to 60%. Critical habitat harvest limits were based on the principle that fish removals should be proportional to biomass. The 1998 analysis showed that 12.4% of the pollock biomass was in the SCA during the C/D season. He was concerned that the proposal would allow much higher harvest rates to occur than were specific in the BiOp or the recent emergency rule. For comparison, he provided harvest rates shown below.

	<u>BiOp</u>	<u>E.R.</u>	<u>Proposal</u>
C season	3.6%	3.4%	up to 40% in combined season.
D season	6%	5.7%	

The committee discussed these percentages, and tried to relate them to actual TAC levels. Larry calculated that with a annual TAC of 1.4 million mt, and 60% allocated to the C and D season, of which 40% is taken by catcher-processors outside of the CVOA, but allowing the c/ps to fish their CDQ harvest inside the CVOA, the maximum amount of pollock that would be taken inside the SCA this fall under the industry proposal is 517,440 mt. For comparison, the BiOp RPA would limit harvest to only 69,000 mt. If the allowable percentage was applied to the ABC rather than TAC (the method used in the BiOp RPA), the limit could be upped slightly, but would still result in a closure of the SCA in all practicality.

The Committee also discussed the issue of re-consultation. What triggers consultation? Shane noted that in most cases when an RPA is developed, it probably can't be implemented exactly as originally written. Instead, the action agency tries to keep within the scope of the intent. If there are significant changes to be made in the management measures, but the protection offered to the listed species is the same or better, then the agency can make a "no-effect" determination, and no further consultation is necessary. Hence, the decision to re-initiate consultation is based on whether the changes result in positive or negative effects, not what methods are employed. An informal consultation can be used to get the issue and consideration on the record, and either result in a no-jeopardy determination, or an expanded consultation. An expanded consultation could have big impacts on the fishery due to the time involved to prepare and complete.

Doug DeMaster noted that there may be difficulties with the administrative record, but expressed his perspective that the proposal was a wash for SSL conservation relative to the emergency rule. He felt that the proposal resulted in additional protections for SSL in the GOA and AI, but may be perceived as offering less protection in areas 7 and 8. The cod fishery restrictions resulted in additional protections for sea lions in areas 7 and 8, however. He noted that the agency will need to weigh the differences and evaluate these tradeoffs. Shane expressed his concern that re-consultation may be necessary. He stated that the agency will have to review the proposal again from the total perspective, and make a determination as to whether a consultation (formal or informal) would be required in light of the area 7 and 8 sea pollock fisheries as compared to the package as a whole.

Larry summarized the committee's position on the proposal. Larry proposed that the committee report would note two members objecting (Leape and Cline), and the other members supportive of the proposal with the caveat on potential re-initiation of a consult as stated by Shane above. The committee concurred.

Larry noted that an experimental design working group will be assembled, and a letter will be forwarded to ADF&G and NMFS requesting a white paper on telemetry data be developed. He also recently met with NMFS staff to discuss the committee's data request necessary to evaluate the 'zonal' concept. He closed the meeting by stating that the April meeting was cancelled. This meeting ended at approximately 10 am.